

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

QIUZI HU, et al.,
Plaintiffs,

v.

JOSE M. PLEHN-DUJOWICH, et al.,
Defendants.

Case No. [18-cv-01791-AGT](#)

**ORDER GRANTING (I) MOTION FOR
ENTRY OF STIPULATED JUDGMENT
(II) MOTION TO WITHDRAW AS
COUNSEL**

Re: Dkt. Nos. 131, 133

I. MOTION FOR ENTRY OF STIPULATED JUDGMENT

Two years ago, the Court approved the parties' class-action settlement and entered judgment in favor of the plaintiffs. *See* Dkt. 123–24. Under the settlement agreement, the defendants agreed to pay the settlement administrator \$150,000 within ninety days of the approval date, and to pay an additional \$10,000 per month until the total amount paid reached the judgment amount, of \$695,000. *See* Dkt. 99-1, Settlement §§ 3.1, 3.2.

The settlement also required the defendants and class counsel to execute a “Joint Stipulation for Conditional Entry of Final Judgment.” *Id.* §§ 2.16, 3.3. Pursuant to the joint stipulation, the defendants agreed that if they failed to make full and timely payments to the settlement administrator, then class counsel could seek relief from judgment, pursuant to Rule 60(b), and request entry of a stipulated judgment with more onerous terms. *See id.* §§ 3.3.2, 13.3, Ex. 1. Under the stipulated judgment, the total judgment amount would increase from \$695,000 to \$1,000,000, and the defendants would admit as true certain facts related to liability. *See* Settlement §§ 2.34, Ex. 1.

After the Court approved the settlement, the defendants timely made their initial payment of \$150,000. But soon after, they started missing monthly-payment due dates. At first, the payments were just late; but then the payments stopped coming altogether, despite repeated efforts by class counsel to obtain them. *See* Dkt. 131-1, Dhillon Decl. ¶¶ 2–37, Exs. A–E. Before the payments stopped, the defendants had paid \$130,000 in monthly installments. *See* Dkt. 131 at 6–7. This was in addition to their initial payment of \$150,000. Now, however, the defendants are at least \$60,000

1 in arrears. *See id.*; Dhillon Decl. ¶ 37.

2 In response, class counsel has asked the Court to vacate the original judgment and to enter
3 the stipulated judgment, with an offset for the amount the defendants have paid. The requested
4 relief is appropriate. The defendants have failed to pay what they owe; class counsel has sent the
5 defendants multiple notices of default; and more than 30 days have passed since notice was given,
6 but the defendants have failed to cure. By the terms of the settlement and the parties' joint stipula-
7 tion, entry of the stipulated judgment is now warranted. *See* Settlement §§ 2.16, 13.4.

8 The original judgment is hereby vacated, pursuant to Rule 60(b)(6), and the parties' stipu-
9 lated judgment will be entered momentarily. The stipulated judgment will be for \$720,000, which
10 is \$1,000,000, the stipulated-judgment amount, minus \$280,000, the amount the defendants have
11 paid to date. As part of the stipulated judgment, class counsel will also be awarded \$14,760 in
12 attorneys' fees and \$24 in costs. These fees and costs were reasonably incurred to enforce the set-
13 tlement agreement. *See* Dkt. 144, Dhillon Supp. Decl. ¶¶ 1–17. And in their joint stipulation, the
14 parties agreed that class counsel would be “entitled to recover reasonable fees and costs incurred in
15 enforcing the Final Judgment.” Dkt. 137 at 4.

16 As for the joint stipulation, class counsel filed it provisionally under seal. No good cause to
17 keep it under seal has been identified, so the Court will enter it on the public docket.

18 **II. MOTION TO WITHDRAW AS COUNSEL**

19 Defense counsel has lost contact with the defendants—despite repeated emails and phone
20 calls—and seeks to withdraw as counsel. *See* Dkt. 133. Counsel cannot be expected to adequately
21 represent his clients if he cannot communicate with them, so the Court finds good cause for coun-
22 sel's request and grants his motion.

23 **IT IS SO ORDERED.**

24 Dated: April 4, 2022

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27 ALEX G. TSE
28 United States Magistrate Judge